

REMARKS

The Examiner is thanked for his allowance of claims 1-4, 11-14, 21-24 and 31-34. These claims have not been amended.

Because so many claims have been allowed, the undersigned sought to gain easy allowance of as many other claims as possible. A careful review of the grounds for rejection was made. Of the rejected claims, claims 7, 17, 27 and 37 were rejected only under § 112 – they were not rejected for anticipation or obviousness of these claims. These four claims were dependent. Thus, the limitations of these four claims were added into their respective base claims (i.e., claims 5, 15, 25 and 35), and claims 7, 17, 27 and 37 have been canceled. Accordingly, it appears that claims 5, 15, 25 and 35 now define over the prior art. Further amendments, as explained below, were made to overcome the §112 rejections.

Four other claims, claims 10, 20, 30 and 40 have been canceled. These were independent claims, with no dependent claims. All four were rejected as obvious.

No new claims have been added. No new matter has been added.

Claims 1-6, 8-9, 11-16, 18-19, 21-26, 28-29, 31-36 and 38-39 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 5, 15, 25 and 35 have been amended, and claims 7, 10, 17, 20, 27, 30, 37 and 40 have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 5, 15, 25 and 35 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability. The right to pursue claims corresponding to original claims 5, 10, 15, 20, 25, 30, 35 and 40 is reserved, without prejudice.

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Specification

The Examiner objected to the disclosure because the acronyms DMA and DUT are used throughout the specification, but the Examiner could find no explanation of them. This objection is respectfully traversed. The abbreviation DUT is defined as “device under test” in paragraph 43 (published paragraph 46), which is the first use of that abbreviation. Regarding DMA, the specification at paragraph 35 has been amended to recite that DMA means “direct memory access”.

The Examiner also objected to the disclosure because “device 160 is disclosed on pages 19 and 20 as a real gateway, contradicting Fig. 1, 2 and 5 and disclosure on page 7, where the device 160 is shown and described as a console.” This objection is respectfully traversed. Reference to “real gateway 160” was a typographical error, and the “real gateway” is otherwise and repeatedly referenced in the specification as 150. Thus, appropriate correction has been made to paragraph 64. The specification has been searched for additional occurrences of this error, but none were found.

Claim Rejections - 35 USC § 112

The Examiner rejected claims 5-9, 15-19, 25-29 and 35-39 under 35 USC § 112, second paragraph as indefinite. This rejection is respectfully traversed. The rejection was directed at claims 5, 15, 25 and 35, and claims 7, 17, 27 and 37.

The Examiner found claims 5, 15, 25 and 35 unclear: “It is not understood, how the traffic can be provided and processed at the endpoint without being released to the first endpoint.” It appears that the claim language was subject to multiple, reasonable interpretations. Thus, these claims have been amended. In claim 5, the first recited step of the claim has been amended to switch

the order of the two clauses. Similar amendments were made to claims 15, 25 and 35. This seems straightforward, but if the Examiner is unsure, he is invited to call the undersigned for further explanation.

The Examiner found original claims 7, 17, 27 and 37 unclear “because it is not understood what transmission step of the parent claim is referred to: providing traffic for transmission or releasing traffic for transmission.” It appears that the Examiner’s confusion about these claims arose from the nature of the Examiner’s interpretation of the corresponding base/parent claims. Since the base claims have been amended to overcome the possible misinterpretation, it seems that the § 112 issue as to original claims 7, 17, 27 and 37 is resolved as well.¹

Thus, all of the pending claims are in form for allowance.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 5, 6, 8-10, 15, 16, 18-20, 25, 26, 28-30, 35, 36 and 38-40 under 35 USC § 103 as obvious from Schwaller (USP 5,838,919). This rejection is respectfully traversed.

As mentioned above, this rejection appears to be moot in view of the claim amendments and cancellations. Independent claims 5, 15, 25 and 35 were amended to incorporate the limitations of claims 7, 17, 27 and 37. The other four rejected independent claims – claims 10, 20, 30 and 40 – have been cancelled. Thus, all of the claims are now allowable.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

¹ It is noted that these four claims have been canceled, and the limitations copied into the corresponding base claims.

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In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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